

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 13 2012

JAMES R. LANDOLI, CLERK
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTONRequest for Modifying the Conditions or Term of Supervision
with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Mario Eucebio Morales

Case Number: 2:12CR02056-001

Name of Judicial Officer: The Honorable Lonny R. Suko

Date of Original Sentence: 3/22/2004

Type of Supervision: Supervised Release

Original Offense: Conspiracy to Distribute
Methamphetamine, 21 U.S.C. § 846; Distribution of
Methamphetamine, 21 U.S.C. § 841(a)(1)

Date Supervision Commenced: 5/7/2010

Original Sentence: Prison - 90 Months;
TSR - 60 Months

Date Supervision Expires: 5/6/2015

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 5 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
- 6 Shall not enter establishments where alcohol is the primary item for sale.
- 7 You shall complete one (1) day of work crew through the Washington State Department of Corrections per week while the defendant is unemployed, unless excused by the probation officer for school, training, or other acceptable reasons.

CAUSE

Mr. Morales was released from the Bureau of Prisons on May 10, 2010, to begin a 5-year term of supervised release. Mr. Morales appeared to be adjusting to his supervision and was employed at Naumes Concentrate, Incorporated in Wapato, Washington, until he quit his job in March 2011. Mr. Morales was unemployed until May 7, 2012, when he was hired at Amtech in Wapato, Washington. This officer later discovered the defendant only worked a day and a half before quitting the job, simply because he did not like it. Mr. Morales remains unemployed to this date.

On July 26, 2012, a home visit was conducted at the defendant's residence. Upon arrival, Mr. Morales was located in the front yard of his residence reading a magazine and drinking a beer. Although the defendant claimed he just opened the beer and had two sips, an odor of intoxicants was emanating from his person. A second empty beer container was located next to Mr. Morales, who claimed his nephew visited him earlier this day, and drank the content. Mr. Morales provided a urine specimen which returned positive for ethanol. The defendant was subsequently referred to Merit Resource Services for a substance abuse evaluation and testing.

Prob 12B

Re: Morales, Mario Eucebio

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It should be noted, in order for Mr. Morales' Court ordered substance abuse testing conditions to be in compliance with 9th Circuit case law, the above alcohol testing modifications are recommended. This officer is also recommending conditions be modified that prohibit the defendant to enter any establishment where alcohol is the primary item for sale, and that he perform 1 day of work crew through the Washington State Department of Corrections per week as outlined above.

Enclosed is Mr. Morales' agreement to the modifications and a signed waiver for the Court's review.

I declare under penalty of perjury that the foregoing is true and correct.

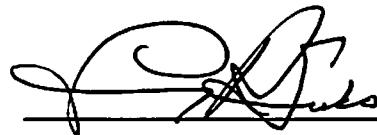
Executed on: 08/10/2012

s/Jose Zepeda

Jose Zepeda
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other



Signature of Judicial Officer

8/13/12

Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

- 5 You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer) as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from this substance.
- 6 Shall not enter establishments where alcohol is the primary of sale.
- 7 You shall complete one (1) day of work crew through the Washington State Department of Corrections per week while the defendant is unemployed, unless excused by the probation officer for school, training, or other acceptable reasons.

Witness:



Jose Zepeda
U.S. Probation Officer

Signed:



Mario Eucebio Morales
Probationer or Supervised Releasee

August 10, 2012

Date